

April 3, 1992

LB 719A, 1063

Bad things happening to LB 1063, lot of squeamish people out there on the constitutional amendment, and I understand why, but it just simply defies me that's what you want to do. But if you are going to do it, I think you ought to send a message, we are going to try and adhere to what the Supreme Court, and everybody said what the Supreme Court has hinted at in...

PRESIDENT MOUL: One minute.

SENATOR MOORE: ...MAPCO and Enron, one very clear hint all the way along has been federal equal protection. I would say that hint has been much clearer than any hint, well, you can't exempt all personal property. And unless you start doing something like this, you are buying into that case right away, I think, to make sure you are going to continue the uniformity within class, treat them all the same, I'd ask the body to adopt my amendment knowing it costs money, but I think it certainly strikes the point. If you are going to go down this route, if you are going to go down this track with the railroads, I think you need to go down this telephone line, down this pipeline with everybody else. I urge the body to adopt the amendment.

PRESIDENT MOUL: Thank you, Senator Moore. Senator Haberman, followed by Senators Warner, Schmit, Lamb, Dierks, Wickersham, Schellpeper, Hall, and Coordsen. Senator Haberman.

SENATOR HABERMAN: Mr. President, (sic) and members of the body, maybe I can throw some light on why we have the amendments and why the railroad is willing to settle. The word has been passed that they might save a million, a million and a half dollars by the amendment. Now as Senator Moore explained, the amendment came through the members of the 3-R Committee, some of them, and the Governor, and Senator Warner and Senator Schrock sitting down in the room, shutting the door, and cutting a deal. Well, here is why it may be so sweet, Senator Moore. The sheet that was passed out talked about personal property, railroad personal property, railroad personal property, railroad personal property. In the present time and in the past, the railroad tracks, the railroad tracks that the railroad runs on has been declared as real property. That's real property. Now under the cloth of the amendment of Senator Warner's, it can be argued that this is no longer real property, it is personal property, and believe me, folks, if it is argued that it is personal property, they are going to save millions and millions and millions of dollars. I will give them credit. If they go to